

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN D. EINERSON,

Defendant.

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Case No. 8:10CR351

**FINDINGS AND RECOMMENDATION
AND ORDER**

At the conclusion of the hearing, which began on December 15, 2010 and continued on January 11, 2011, on defendant's Motion to Suppress Evidence (#24), I stated my conclusions on the record and my decision to recommend that the motion to suppress be denied in part and granted in part. In accordance with that announcement,

IT IS RECOMMENDED to the Honorable Joseph F. Bataillon, Chief Judge, United States District Court of Nebraska, for the reasons set out on the record, that the Motion to Suppress Evidence (#24) be denied as to any evidence obtained prior to the conclusion of the protective sweep of the defendant's home, and granted as to evidence seized after the protective sweep of the defendant's home.

FURTHER, IT IS ORDERED:

1. The clerk shall cause a transcript of the hearing held on December 15, 2010 and January 11, 2011, to be prepared and filed.
2. Pursuant to NECrimR 59.2, any objection to the magistrate's Findings and Recommendation shall be filed with the Clerk of the Court within fourteen (14) days after the unredacted transcript is available to counsel. Failure to timely object may constitute a

waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 11th day of January 2011.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge